have been had the limitation of the future estates been omitted from the instrument. GRAY, RULE AGAINST PERPETUITIES, par. 247, 248, and cases there cited. Where, however, the testator does not devise directly to beneficiaries, but creates a trust and seeks to dispose of his property by that means, the valid and invalid clauses are not independent, but are links in one entire scheme created to carry out a common purpose. To execute only a part would be to make a new will for the testator, and therefore the whole trust must stand or fall together. *Barrett* v. *Barrett,* 225 Ill. 332; *Reid* v. *Voorhees,* 216 Ill. 236. In the latter case the argument was advanced that if the interest covered by the valid clauses would not be changed by excluding the invalid clauses, the good should be allowed to stand. The court said this was in disregard of the cardinal principle of wills, for by the trust the testator had created one entire scheme for the disposal of all his property, and to hold that his scheme must fail in so far as he sought to dispose of the *corpus* of his estate, but might be sustained as to the life estates, would be to make a will which the testator never intended. In the above cases the void clauses disposed of the *corpus* of the estate. Where the testator devised his property in trust, and the void clauses disposed of life interests, or were limitations over after a fee, and the *corpus* of the estate was covered by the valid clauses, the good were allowed to stand. *Herron* v. *Stanton* (Ind., 1920), 128 N. E. 363; *In re Thaw* (1917), 169 N. Y. Supp. 430. In *Tyler* v. *Fidelity Trust Co.,* 158 Ky. 280, a trust was created for the disposal of the property and the clause disposing of the *corpus* of the estate was void. The court allowed the valid clauses to stand and held that the modern rule permits the estate to progress under the will up to the point where the rule against perpetuities begins to operate. In that case, however, the beneficiaries under the will were the same persons who would have taken under the statute of descent and distribution. The result of the cases seems to be that in cases of trusts, if the primary purpose of the testator is accomplished by probating the valid portions, they will be allowed to stand, provided no manifest injustice would result to the beneficiaries by such a construction. Such an injustice results when the beneficiaries under the valid clauses would not only take under the will but would also share in the property covered by the invalid clauses if it were declared intestate. *Benedict* v. *Webb,* 98 N. Y. 460; *Reid* v. *Voorhees, supra.* In *Beatty* v. *Stanley* (Ill., 1921), 131 N. E. 687, the testator made bequests of personalty and then devised all his realty in trust. The trust was void and the court held that the bequests must also fall. In that case the beneficiaries of the bequests would share in the intestate property, but as the beneficiaries of the invalid clauses would not, it is difficult to see how any injustice would result.

WORKMEN'S COMPENSATION—"ACCIDENTAL INJURY"—INJURY CAUSED BY EXCITEMENT.—The plaintiff, while performing his duties as foreman in the defendant's coal yard, became engaged in a heated argument with a teamster. Threats were made, but no blows were struck. A few minutes later the plaintiff suffered a cerebral hemorrhage which caused a paralytic stroke. *Held,* the plaintiff is not entitled to compensation under the Workmen's Com-

pensation Act. *Ideal Fuel Co.* v. *Industrial Com. et al.*, (Ill., 1921), 131 N. E. 649.

The *ratio decidendi* is not clearly stated. The court says that there is not adequate proof that the quarrel caused the injury. If this is the real ground for its holding, the result, undoubtedly, is correct. On the other hand, the court seems to doubt whether a physical injury due to fright or excitement can be the basis for liability. Apparently, the reason for its reluctance in admitting liability in such cases is the doctrine in tort law which denies recovery for physical injury due to a mental or nervous shock and not to a physical impact. See *Braun* v. *Craven*, 175 Ill. 401. In recent years many courts have frankly abandoned this rule. See 18 MICH. L. REV. 332, commenting upon *Janvier* v. *Sweeney*, [1919], 2 K. B. 316, where the court allowed recovery for illness resulting from a nervous shock induced by false words and threats upon the part of the defendant. There the writer points out that the only reasons advanced in support of the old rule are without foundation in fact. See, also, 41 AM. LAW. REG. 141. In the first cases under the Workmen's Compensation Act the courts emphasized the idea of an external injury to the physical structure of the body. 25 HARV. L. REV. 337. Then it was held that even the bacillus of anthrax could furnish the necessary physical phenomenon. *Brintons, Limited*, v. *Turvey*, [1905], A. C. 230; also, *Chicago Rawhide Mfg. Co.* v. *Industrial Com.*, 291 Ill. 616. Soon this unsatisfactory test was discarded. Recovery was allowed for any disease of sudden origin: (heat from furnace), *Ismay, Imrie & Co.* v. *Williamson*, [1908], A. C. 437; (sunstroke), *Morgan* v. *S. S. Zenaida*, 25 T. L. R. 446. Also for internal physical injuries due to one's own muscular exertion. *Clover, Clayton & Co., Ltd.*, v. *Hughes*, [1910], A. C. 242; *Baggot Co.* v. *Industrial Com.*, 290 Ill. 530, 7 A. L. R. 1611. See *Crosby* v. *Thorp, Hawley & Co.*, 206 Mich. 250, 6 A. L. R. 1253, commented upon in 18 MICH. L. REV. 72, and cited with approval by the court. Then in *Yates* v. *South Kirkby, etc., Collieries, Ltd.*, [1910], 2 K. B. 538, where the plaintiff was incapacitated by a nervous shock caused by the excitement and alarm resulting from a fatal accident to a fellow workman, the court allowed compensation. One judge said, "In my opinion, nervous shock due to accident which causes personal incapacity to work is as much 'personal injury by accident' as a broken leg." A rule, like that suggested by the principal case, which would make the right to compensation depend not on the injury but on the character of the means producing it, is both illogical and unjust.